



Ratnaparkhi V. V.

B.Com. LL.B

Advocate

Office :

Chamber No. 214, Building No. 2,

District Court, Nashik

Cell : 9420692760, 9370692760

Resi. :

401, Lotus Apartment, Near Navshya Ganpati

Mandir, Anandvalli, Nashik, Tal. & Dist. Nashik

Ph: (0253) 2020468

Date : 12 / 05 / 2017

॥ Shree ॥

To,

M/S. GIRIRAJ ENTERPRISES

a registered partnership firm

through its Partner

Shri. Girish Madhav Malpani

Malpani House, Indira Gandhi Road,

Sangamner, Tal. Sangamner, Dist. Ahmadnagar

**SUBJECT : TITLE REPORT IN RESPECT OF SURVEY NO. 295/3A/1
ADMEASURING H1-01R OUT OF AREA ADMEASURING H 0-80R &
SURVEY NO. 295/3A/2 ADMEASURING H1-01R OUT OF AREA
ADMEASURING H 0-80R ITS CORROESPONDING CTS NO. 6064
SITUATED AT VILLAGE PATHARDI, TAL & DIST. NASHIK AND WITHIN
THE LIMITS OF NASHIK MUNICIPAL CORPORATION & REGISTRATION
AND SUB REGISTRATION DISTRICT OF NASHIK, TALUKA AND DISTRICT
OF NASHIK,**

As per the request made by M/s. Giriraj Enterprises, a registered partnership firm through its Partner Shri. Girish Madhav Malpani, R/o. Sangamner, Tal. Sangamner, Dist. Ahmadnagar called upon me to investigate the title in respect of the properties mentioned hereinabove. I am submitting my title report which is as under -

DESCRIPTION OF PROPERTY

- A) All that piece and parcel of the land bearing non-agricultural land survey No. 295/3A/1 admeasuring H1-01R out of area admeasuring H 0-80R its corresponding CTS No. 6064 situated at village Pathardi, Tal & Dist. Nashik and within the limits of Nashik Municipal Corporation & registration and sub registration District of Nashik, Taluka and District of Nashik.
- B) All that piece and parcel of the land bearing non-agricultural land survey No. 295/3A/2 admeasuring H1-01R out of area admeasuring H 0-80R its corresponding CTS No. 6064 situated at village Pathardi, Tal &

Dist. Nashik and within the limits of Nashik Municipal Corporation & registration and sub registration District of Nashik, Taluka and District of Nashik.

M/s. Giriraj Enterprises through its Partner Shri. Girish Madhav Malpani R/o. Sangamner has produced before me the following papers for the investigation of title report which are as under-

- 1) Certified copies of 7/12 extracts of from the year 1952-53 to 2017.
- 2) Certified copies of mutation entries from the year 1931 & onwards.
- 3) Zerox copy of the Sale Deed executed between Shri. Mayuresh Shriram Soni & Others 5 & Shri. Chintaman alis Chindhu Kondaji Jaibhave & Others dated 15/3/2007.
- 4) Original Sale Deed executed between Shri. Sandeep Dilip Mule & Others 5 & Shri. Mayuresh Shriram Soni & Others 5 dated 20/11/2007.
- 5) Original Sale Deed executed between Shri. Shivaji Sukdev Aher & Others 1 & Shri. Chintaman alis Chindhu Kondaji Jaibhave & Others through their GPA Shri. Sameer Rajiv Karambelkar dated 20/11/2007.
- 6) Zerox copy of registered General Power of Attorney dated 19/11/2007 executed between Shriram Hiralal Soni & Shri. Mayuresh Hiralal Soni & Abhishek Shrikant Soni.
- 7) Zerox copy of registered General Power of Attorney dated 19/11/2007 executed between Shriram Hiralal Soni & Pooja Shrikant Soni & Rashmi Shriram Soni.
- 8) Zerox copy of registered General Power of Attorney dated 19/11/2007 executed between Shriram Hiralal Soni & Rameshwar Jaiaram Soni.
- 9) Original Agreement of Sale executed between M/s. Giriraj Enterprises & Shri. Sandeep Dilip Mule & Others 5 dated 26/12/2007.
- 10) Original Agreement of Sale executed between M/s. Giriraj Enterprises & Shri. Shivaji Sukdev Aher & Others 1 dated 26/12/2007.
- 11) Original Sale Deed executed between M/s. Giriraj Enterprises & Shri. Sandeep Dilip Mule & Others 5 dated 19/4/2010.
- 12) Original Sale Deed executed between M/s. Giriraj Enterprises & Shri. Shivaji Sukdev Aher & Others 1 dated 19/4/2010.


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- 13) Zerox copy of the order of Additional Collector & Competant Authority, ULC, Nashik No. Na.ja.ka.ma/A-1/SR-11/2007 dated 22/2/2007.
- 14) Zoning Certificate issued by The Nashik Municipal Corporation, Nashik dated 28/12/2007.
- 15) Certified copy of the CTS extract No. 6064.
- 16) Original Development Agreement & Power of Attorney executed between Shri. Chintaman ails Chindhu Kondaji Jaibhave & Others & Shri. Sameer Rajiv Karambelkar dated 15/3/2007.
- 17) Zerox copy of the will deed executed by Late Sonabai Kondaji Jaibhave dated 1/1/1994.
- 18) Zerox copy of letter issued by Nashik Municipal Corporation dated 7/11/2008 in respect of approval of tentative layout plan in respect of S. No. 295/3A/1(part) + 295/3A/2(part) village Pathardi.
- 19) Zerox copy of the NA order issued by the Collector of Nashik dated 29/7/2010.
- 20) Original sanction of building permit & Commencement Certificate issued by The Nasik Municipal Corporation, Nasik dated 2/12/2011.
- 21) NA Tax receipt for the year 2016-2017.

JH VIVEK VASANT

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ADVOCATE

2, 214, Building No.21)

urt Compound, Nashik

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On the basis of the above mentioned papers & record placed before me, I am submitting the title report as under -

It is observed from the Mutation Entry No. 498 that, the subject matter of the Title Property previously S. No. 295 is shown in the name of Pandit Bhaurao Jaibhave as an owner of the property, which is purchased by Pandit Bhau Jaibhave through minor guardian Bhaurao Bhikaji Jaibhave on 26/6/1931 for the total consideration of Rs. 300/- & accordingly the name of the purchaser is mutated as an owner of the said property. The said mutation entry is duly certified.

- 2) It is observed from the Mutation Entry No. 1512 that, Bhaurao Bhikaji Jaibhave expired on 3/8/1952, after his death legal heirs namely 1) Pandit,

2) Sakharam, 3) Sukdev & 4) Tukaram Bhaurao Jaibhave are brought on the record & their names have been mutated to the said property, as Tukaram was the minor, therefore his name Tukaram through Minor guardian Pandit Bhaurao Jaibhave has been mutated to the said property. The said mutation entry is duly certified.

3) It is observed from the Mutation Entry No. 2640 that, the partition took place between Pandit Bhaurao Jaibhave & Others 4 in respect of S. No. 295 & as per the said partition the said S. No. 295 was sub-divided into five parts & as per the said partition the subject matter of the title report land S. No. 295/3 is given to the share of Kondaji Bhikaji Jaibhave. As per the said partition revenue record is prepared & accordingly the separate 7/12 extract for the S. No. 295/3 is prepared in the name of Kondaji Bhikaji Jaibhave. The said revenue record of the partition is made & prepared as per the application of Shri. Pandit Bhaurao Jaibhave & Others 4 dated 15/4/1968. The said mutation entry is duly certified.

4) The mutation entry No. 2747 is in respect of application of Maharashtra Weights & Measurement Acts, 1958 & Indian Coinage Act.

5) It is observed from the Mutation Entry No. 2827 that, as per the Hissa Form No. 12 issued by the District Inspector of Land Records by its order No. Po.HL No. 270 dated 18/10/1971 & as per the order of Tahasildar, Nasik by its order No. Jambandi No. 2-2018/71 dated 26/10/1971, the necessary changes in the land records have been mutated & effected. The said mutation entry is duly certified.

6) It is observed from the Mutation Entry No. 3296 that, as per the Hissa Form No. 12 issued by the District Inspector of Land Records & as per the order of Tahasildar, Nasik by its order No. Jambandi No. 2-185/81 dated 20/1/1981, the necessary changes in the land records have been mutated & effected. The said mutation entry is duly certified.

7) It is observed from the Mutation Entry No. 3566 that, the owner of the S. No. 295/3 Kondaji Bhika Jaibhave expired on 15/8/1982, after his death legal heirs namely-

1) Chindhu Kondaji Jaibhave	26	Son
2) Govind Kondaji Jaibhave	24	Son
3) Mhalsabai Hari Dhakane	25	Married Daughter
4) Zunkabai Eknath Kakad	30	Married Daughter

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5) Dagubai Malhari Bodke	28	Married Daughter
6) Sonabai Kondaji Jaibhave	60	Wife

and accordingly the names of the legal heirs mentioned hereinabove have been mutated to the said property. The names of the married daughters have been mutated in other rights column of the 7/12 extracts as they were not in possession of the land. The said mutation entry is duly certified.

8) It is observed from the Mutation Entry No. 3567 that, 1) Mhalsabai Hari Dhakane, 2) Zunkabai Eknath Kakad, 3) Dagubai Malhari Bodke, 4) Sonabai Kondaji Jaibhave relinquished their share in the property S. No. 295/3 by release deed, therefore their names have been deleted & bracketed. The said mutation entry is duly certified.

9) It is observed from the Mutation Entry No. 3618 that, the owners of the property Shri. Chindu Kondaji Jaibhave & Govind Kondaji Jaibhave prepared the layout for the area admeasuring 3965 Sq. Mtrs. out of S. No. 295/3, which is duly approved as per the order of ADTP by its order No. RP/Pathardi/Binsheti/1882 dated 16/8/1982 & accordingly the revenue record for the layout area has been prepared. The said mutation entry is duly certified.

10) It is observed from the Mutation Entry No. 4047 that, the owners of the property Shri. Chindu Kondaji Jaibhave & Govind Kondaji Jaibhave unauthorisely constructed the residential premises in the area admeasuring 0-10 R. The said unauthorise construction has been duly regularised as per the order of Sub-Divisional Officer by its order No. NA.SR./538/85 dated 6/6/1985 & therefore the new revenue record for the regularised constructed area 0-10R & for the rest of the land is prepared & accordingly the said No. 295/3 is sub-divided as 295/3/A for the agricultural land & 295/3/B for the 0-10R for residential premises respectively. The said mutation entry is duly certified.

11) It is observed from the Mutation Entry No. 4320 that, as per the application of 1) Mhalsabai Hari Dhakane, 2) Zunkabai Eknath Kakad, 3) Dagubai Malhari Bodke, 4) Sonabai Kondaji Jaibhave to the Tahasildar, Nashik & as per the order of Tahasildar, Nashik dated 3/6/1987, the names of the applicant 1) Mhalsabai Hari Dhakane, 2) Zunkabai Eknath Kakad,

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3) Dagubai Malhari Bodke, 4) Sonabai Kondaji Jaibhave have been mutated to the S. No. 295/3. The said mutation entry is duly certified.

12) It is observed from the Mutation Entry No. 6784 that, Smt. Sonabai Kondaji Jaibhave expired on 9/5/1995 & after her death the legal heirs, whose names have already been mutated to the said property & the name of Late Sonabai Kondaji Jaibhave is deleted & bracketed. The said mutation entry is duly certified.

13) It is observed from the Will Deed dated 1/1/1994 of Late Sonabai Kondaji Jaibhave that, as per the said Will Deed she has bequeathed the rights, interest in the property S. No. 295/3A/1 & 295/3A/2 in favour of her grandson Sandeep Govind Jaibhave.

14) It is observed from the Mutation Entry No. 7422 that, the partition in respect of S. No. 295/3/A took place between Chindu Kondaji Jaibhave & Govind Kondaji Jaibhave. As per the said partition the area admeasuring H 0-99 R+ Pot Kharaba 0-02R total admeasuring H1-01R is given to the share of Chindu Kondaji Jaibhave & the area admeasuring H 0-99 R+ Pot Kharaba 0-02R total admeasuring H1-01R is given to the share of Govind Kondaji Jaibhave. And accordingly as per the said partition the revenue record is prepared, the area given to the share of Chindu Kondaji Jaibhave is numbered as 295/3A/2 & the area given to the share of Govind Kondaji Jaibhave is numbered as 295/3A/1. It is to be noted herewith that the said mutation entry is duly certified without affecting the rights of the sisters of Chindu & Govind appearing in the other rights column of the property. The said mutation entry is duly certified.

15) It is observed from the record that, while mutating the name of Zunkabai Laxman Kakad, by mistake it is always mutated as Zunkabai Eknath Kakad. However, from the record available it is come to the notice that the real name of Zunkabai is as Zunkabai Laxman Kakad.

16) It is observed from the Mutation Entry No. 12180 that, Zunkabai Laxman Kakad expired on 4/2/2005. After her death names of the her legal heirs namely -

1)	Sampat Laxman Kakad	47	Son
2)	Pandurang Laxman Kakad	43	Son
3)	Shridhar Laxman Kakad	40	Son
4)	Yashodabai Ganpat Bodke	49	Married Daughter
5)	Vithabai Shivram Avhad	35	Married Daughter

RATNAPARKI

Chamber No.
District Cor

THE DISTRICT COMMISSIONER
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and accordingly the names of the above mentioned legal heirs have been mutated in other rights column of the said property. The said mutation entry is duly certified.

17) It is observed from the order of Additional Collector & Competant Authority ULC, Nashik by its order No. Na.ja.ka.ma./A-1/SR-11/2007, Nashik dated 22/2/2007 that the provisions of ULC Act 1976 are applicable to the land S. No. 295/3A/1 & 295/3A/2. The owners of the said property Shri. Chindhu Kondaji Jaibhave & Others filed the statement u/s. 6 of the said Act & as per the decision of Additional Collector & Competant Authority in the above mentioned case, it is held that the total area of the land S. No. 295/3A/1 & S. No. 295/3A/2 is total admeasuring 20200 Sq. Mtrs. out of the said land area admeasuring 7031 Sq. Mtrs. is declared as non vacant land, the area admeasuring 12000 Sq. Mtrs. is declared as retention land, & the area admeasuring 1169 Sq. Mtrs. is declared as excess land.

However, as per the Gazette of Maharashtra Govt., by its order No. ULC/22/2006/634 Na.Ja.Ka.dha./2 dated 27/6/2006, the 10% open space is declared as retention land & the area declared as excess land is been treated as the retention land. And as per the said order the area admeasuring 1169 Sq. Mtrs. is declared as retention land.

18) The owners of the property Shri.Chindhu alias Chintaman Kondaji Jaibhave & Others executed the Development Agreement & General Power of Attorney in favour of Shri. Sameer Rajeev Karambelkar on 20/11/2007 which are duly registered in the office of the Sub-Registrar, Nasik-2 at serial No. 2213 & 2214 respectively. By the said Development Agreement the owners have given the property admeasuring 2831 Sq. Mtrs. non-vacant land out of 7031 Sq. Mtrs as per ULC order & 1169 Sq. Mtrs. (as per the Maharashtra Govt. Gazette open space declared as a retention land) out of S. No. 295/3A/2, for development to Shri. Sameer Rajeev Karambelkar. The name of Shri. Sameer Rajeev Karambelkar has been mutated in other rights column of 7/12 extracts of S. No. 295/3/2 vide mutation entry No. 12187. The said mutation entry is duly certified.

19) It is observed from the sale deed dated 15/3/2007 that Shri. Mayuresh Shriram Soni & Others 5 have purchased retention land declared as per

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2007 has been received. And accordingly the names of the purchasers Shri. Sandeep Dilip Mule & Others 5 have been mutated to the owners column of 7/12 extracts of S. No. 295/3A/1 & S. No. 295/3A/2 for the area purchased respectively vide mutation entry No. 12671. The said mutation entry is duly certified.

22) It is observed from the sale deed dated 20/11/2007 that, Shri. Shivaji Sukdev Aher & Other 1 have purchased the property admeasuring 2831 Sq. Mtrs. non-vacant land out of 7031 Sq. Mtrs as per ULC order & 1169 Sq. Mtrs. (as per the Maharashtra Govt. Gazette open space declared as a retention land) out of S. No. 295/3A/2, from Shri. Chindhu alias Chintaman Kondaji Jalbhare & Others 9 through their GPA holder Shri. Sameer Rajeev Karambelkar for the total consideration of Rs. 68,00,000/- by a registered sale deed which is duly registered in the office of the Sub-Registrar, Nashik-2 at serial No. 8489/2007. The necessary permission of the u/s. 26 of ULC Act as per the order of the Additional Collector & Competent Authority, Nashik by its order No. Na.Ja.Ka.Ma./A-2-2/26(1)/2267/2007 dated 22/11/2007 has been received. And accordingly the names of the purchasers Shri. Shivaji Sukdev Aher & Others 1 have been mutated to the owners column of 7/12 extract of S. No. 295/3A/2 for the area purchased vide mutation entry No. 12672. The said mutation entry is duly certified.

23) It is observed from the Agreement of sale dated 26/12/2007 that Shri. Sandeep Dilip Mule & Others 5 have agreed to sale the area of retention land admeasuring H 0-80 R out of S. No. 295/3A/1 & the area of retention land admeasuring H 0-40 R out of S. No. 295/3A/2 (total area admeasuring H 1-20 R i.e. 12000 Sq. Mtrs.) to M/s. Giriraj Enterprises, a registered partnership firm, through its partner Shri. Girish Madhav Malpani for the total consideration of Rs. 3,10,00,000/- & accordingly Shri. Sandeep Dilip Mule & Others 5 have executed the Agreement of sale in favour of Giriraj Enterprises.

It is further observed that the said Agreement of sale is executed on the stamp paper of Rs. 100/- The said Agreement of sale dated 26/12/2007 is presented before the Collector of Stamps, Nashik & as per the order of the Collector of Stamps, Nashik by its order No. Chu.Mu.Yu.Pra.Kra. 447/

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09-10 the Deficit stamp of Rs. 15,49,900/- & the fine amount of Rs. 8,67,944/- has been deposited in the State Bank of India, Treasury, Nasik & as per the order of Collector of Stamps, Nasik dated 6/4/2010, the said Agreement of Sale is certified as "properly stamped" & accordingly the Collector of Stamps, Nasik has issued the certificate in that respect u/s. 41 of the Bombay Stamp Act on 6/4/2010.

24) It is further observed from the sale deed dated 19/4/2010 that M/s. Giriraj Enterprises, a registered partnership firm, through its partner Shri. Girish Madhav Malpani purchased the area of retention land admeasuring H 0-80 R out of S. No. 295/3A/1 & the area of retention land admeasuring H 0-40 R out of S. No. 295/3A/2 (total area admeasuring H 1-20 R i.e. 12000 Sq. Mtrs.) from Shri. Sandeep Dilip Mule & Others 5 for the total consideration of Rs. 3,10,00,000/- by a registered sale deed which is duly registered in the office of the Sub-Registrar, Class-II, Nasik-5 at serial No. 3655/2010 & accordingly the name of M/s. Giriraj Enterprises, a registered partnership firm, through its partner Shri. Girish Madhav Malpani has been mutated to the owners column of 7/12 extracts of S. No. 295/3A/1 & S. No. 295/3A/2 for the area purchased respectively vide mutation entry No. 15855. The said mutation entry is duly certified.

25) It is observed from the Agreement of sale dated 26/12/2007 that Shri. Shivaji Sukdev Aher & Other 1 have agreed to sale the property admeasuring 2831 Sq. Mtrs. non-vacant land out of 7031 Sq. Mtrs as per ULC order & 1169 Sq. Mtrs. (as per the Maharashtra Govt. Gazatte open space declared as a retention land) out of S. No. 295/3A/2, to M/s. Giriraj Enterprises, a registered partnership firm, through its partner Shri. Girish Madhav Malpani for the total consideration of Rs. 1,12,00,000/- & accordingly Shri. Shivaji Sukdev Aher & Other 1 have executed the Agreement of sale in favour of Giriraj Enterprises.

It is further observed that the said Agreement of sale is executed on the stamp paper of Rs. 100/- The said Agreement of sale dated 26/12/2007 is presented before the Collector of Stamps, Nasik & as per the order of the Collector of Stamps, Nasik by its order No. Chu.Mu.Yu.Pra.Kra. 448/09-10 the Deficit stamp of Rs. 5,88,480/- & the fine amount of Rs. 3,29,532/- has been deposited in the State Bank of India, Treasury, Nasik & as per the order of Collector of Stamps, Nasik dated 6/4/2010, the said Agreement of Sale is certified as "properly stamped" & accordingly the Collector of

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Stamps, Nasik has issued the certificate in that respect u/s. 41 of the Bombay Stamp Act on 8/4/2010.

26) It is further observed from the sale deed dated 19/4/2010 that M/s. Giriraj Enterprises, a registered partnership firm, through its partner Shri. Girish Madhav Malpani purchased the property admeasuring 2831 Sq. Mtrs. non-vacant land out of 7031 Sq. Mtrs as per ULC order & 1169 Sq. Mtrs. (as per the Maharashtra Govt. Gazette open space declared as a retention land) out of S. No. 295/3A/2, from Shri. Shivaji Sukdev Aher & Other 1 for the total consideration of Rs. 1,12,00,000/- by a registered sale deed which is duly registered in the office of the Sub-Registrar, Class-II, Nasik-5 at serial No. 3654/2010 & accordingly the name of M/s. Giriraj Enterprises, a registered partnership firm, through its partner Shri. Girish Madhav Malpani has been mutated to the owners column of 7/12 extract of S. No. 295/3A/2 for the area purchased vide mutation entry No. 15853. The said mutation entry is duly certified.

27) It is further observed that M/s. Giriraj Enterprises has obtained the NA permission from the Collector of Nasik & as per the order of Collector of Nasik by its order No. Mah/Kaksh-3/4/Bi.She.Pra.Kra/269/2010 dated 29/7/2010 the Survey No. 295/3A/1 area admeasuring 10100 Mtr + S. No. 295/3A/2 area admeasuring 10100 Sq. Mtrs total area admeasuring 20200 Sq. Mtrs. out of which the area admeasuring 15660 Sq. Mtrs. has been converted into non-agricultural use for residential purpose.

28) M/s. Giriraj Enterprises, a registered partnership firm, through its partner Shri. Girish Madhav Malpani has prepared the building plan on the property S. No. 295/3A/1(part) & 295/3A/2(part) & the said building plan is duly approved by the Nasik Municipal Corporation & has issued the sanction of building permit & Commencement Certificate by its letter No. LND/BP/CD/BS/552/4228 dt. 2/12/2011. It is further observed that the said Commencement certificate is given on the basis of DRC-TDR utilised from the said DRC as mentioned in Clause 40 of the said Commencement Certificate.

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Stamp of District Court, Nashik
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OPINION

1) On the basis of the above papers & record placed before me I am of the opinion that -

A) All that piece and parcel of the land bearing non-agricultural land survey No. 295/3A/1 admeasuring H1-01R out of area admeasuring H 0-80R its corresponding CTS No. 6064 situated at village Pathardi, Tal & Dist. Nashik and within the limits of Nashik Municipal Corporation & registration and sub registration District of Nashik, Taluka and District of Nashik is owned & possessed by M/s. Giriraj Enterprises, a registered partnership firm, through its partner Shri. Girish Madhav Malpani is free from all the encumbrances & have received the clear & marketable title.

B) All that piece and parcel of the land bearing non-agricultural land survey No. 295/3A/2 admeasuring H1-01R out of area admeasuring H 0-80R its corresponding CTS No. 6064 situated at village Pathardi, Tal & Dist. Nashik and within the limits of Nashik Municipal Corporation & registration and sub registration District of Nashik, Taluka and District of Nashik is owned & possessed by M/s. Giriraj Enterprises, a registered partnership firm, through its partner Shri. Girish Madhav Malpani is free from all the encumbrances & have received the clear & marketable title.

2) M/s. Giriraj Enterprises, a registered partnership firm, through its partner Shri. Girish Madhav Malpani has prepared the building plan on the property hereinabove which is sanctioned by the Nashik Municipal Corporation, Nashik as mentioned hereinabove & the said M/s. Giriraj Enterprises, a registered partnership firm, through its partner Shri. Girish Madhav Malpani have right to construct the premises & to sale the constructed premises thereon.

3) All the papers submitted are returned herewith.



Ratnaparkhi V.V.
Advocate

RATNAPARKHI VIVEK VASANT
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ADVOCATE
Chamber No. 214, Building No.2
District Court Compound, Nashik

IN WITNESS WHEREOF
I have signed
this 14th day of
January 2018
at Nashik